

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLENN MAYBIN,

No. 09-13755

Plaintiff,

District Judge Avern Cohn

v.

Magistrate Judge R. Steven Whalen

RAYMOND BOOKER, ET AL.,

Defendants.

**ORDER DENYING COUNSEL AND DIRECTING RESPONSE
TO DEFENDANT’S MOTION TO DISMISS**

Plaintiff Glenn Maybin, a prison inmate in the custody of the Michigan Department of Corrections, has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. Before the Court is his motion to appoint counsel [Docket #10].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after all motions to dismiss or motions for summary judgment have

been denied. A motion to dismiss is presently pending. [Docket #8]. At this stage of the proceedings, Plaintiffs' request for counsel is premature.

Accordingly, Plaintiffs' Motion to Appoint Counsel [Docket #10] is DENIED WITHOUT PREJUDICE.

Plaintiff shall file a response to Defendant Booker's motion to dismiss [Docket #8] on or before JULY 9, 2010.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 14, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 14, 2010.

S/G. Wilson
Judicial Assistant